

# FEDERAL REGISTER

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Washington, Thursday, April 18, 1940

## Rules, Regulations, Orders

### TITLE 6—AGRICULTURAL CREDIT

#### CHAPTER I—FARM CREDIT ADMINISTRATION

[F. C. A. 172.]

AMENDMENT OF REGULATIONS RELATIVE TO  
EMERGENCY CROP AND FEED LOANS TO  
ORCHARDISTS IN CERTAIN COUNTIES IN  
THE STATE OF WASHINGTON

Section 113.52<sup>1</sup> of Title 6, Code of Federal Regulations, is amended to read as follows:

§ 113.52 *Eligibility; general.* No loan will be made to any applicant in an amount greater than the actual cash needs in a particular case. The amount loaned per acre shall be fixed with due regard for the potential yield by variety and grade of fruit, using the "packed box" or its equivalent as a unit, and in no case shall the total amount loaned be greater than the prospective sales value of such fruit after allowing deductions for packing, storage, and sales expenses, calculated on the basis of normal conditions and prices, and record of the orchard during the past 5 years: *Provided*, That no loan shall be made to any borrower in 1940 which, together with the unpaid principal of prior loans so made to such borrower in that year, shall exceed \$2,500 in amount. (Sec. 1, 50 Stat. 5; 12 U.S.C., Sup., 1020i. See also 52 Stat. 26) [F. C. A. Order No. 284, April 16, 1940.]

[SEAL]

A. G. BLACK,  
Governor.

[F. R. Doc. 40-1541; Filed, April 17, 1940;  
11:46 a. m.]

15 F.R. 1290.

### TITLE 47—TELECOMMUNICATION CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

#### PART 3—RULES GOVERNING STANDARD BROADCAST STATIONS<sup>1</sup>

The Commission on April 13, 1940, effective immediately, amended the following sections, to read:

§ 3.6 *Daytime.* The term "daytime" means that period of time between local sunrise and local sunset.\*

§ 3.8 *Sunrise and sunset.* The terms "sunrise and sunset" mean, for each particular location and during any particular month, the average time of sunrise and sunset as specified in the license of a broadcast station. (For tabulation of average sunrise and sunset times for each month at various points in the United States, see "Average Sunrise and Sunset Times.")\*

§ 3.9 *Broadcast day.* The term "broadcast day" means that period of time between local sunrise and 12 midnight local standard time.\*

§ 3.10 *Experimental period.* The term "experimental period" means that time between 12 midnight and local sunrise. This period may be used for experimental purposes in testing and maintaining apparatus by the licensee of any standard broadcast station on its assigned frequency and with its authorized power, provided no interference is caused to other stations maintaining a regular operating schedule within such period. No station licensed for "daytime" or "specified hours" of operation may broadcast any regular or scheduled program during this period.\*

§ 3.23 *Time of operation of the several classes of stations.* (c) "Daytime"

## CONTENTS

### RULES, REGULATIONS, ORDERS

#### TITLE 6—AGRICULTURAL CREDIT:

Farm Credit Administration:	Page
Emergency crop and feed loans to orchardists, Washington, amended regulations concerning—	1449

#### TITLE 47—TELECOMMUNICATION:

Federal Communications Commission:	
Standard broadcast stations, rules governing amended—	1449

## NOTICES

### Civil Aeronautics Authority:

Air Safety Board:	
Hearing on aircraft accident which occurred near Middletown, Conn., on April 16, 1940	1451

### Department of Agriculture:

Food and Drug Administration:	
Dietary food properties, revocation of hearing	1451
Flour standards, etc., revocation of hearing	1451

### Department of the Interior:

Bituminous Coal Division:	
Wyatt Coal Co., et al., hearing	1450

### Securities and Exchange Commission:

Commonwealth & Southern Corp., time for answer extended	1451
Keystone Public Service Co., hearing	1452

New England Gas and Electric Association, et al., declaration filed	1452
---------------------------------------------------------------------	------

1449

<sup>1</sup> 4 F.R. 2714.

\*Sec. 4 (1), 48 Stat. 1066; 47 U.S.C. 154 (1).



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permits operation during the hours between average monthly local sunrise and average monthly local sunset. (For exact time of sunset at any location, see "Average Sunrise and Sunset Times.")\*

**§ 3.79 License to specify sunrise and sunset hours.** If the licensee of a broadcast station is required to commence or cease operation of the station at the time of sunrise or sunset, the license will specify the hour of day during each month of the license period when operation of such station will commence or cease. (See "Average Sunrise and Sunset Times.")\*

**§ 3.84 Daylight-saving time.** If local time is changed from standard time to daylight-saving time at the location of all stations sharing time on the same channel, the hours of operation of all such stations on that channel shall be understood to refer to daylight-saving time, and not standard time, as long as daylight-saving time is observed at such locations. This provision shall govern when the time is changed by provision of law or general observance of daylight-saving time by the various communities, and when the time of operation of such stations is specified in the license or is mutually agreed upon by the licensees: *Provided, however,* That when the license specifies average time of sunrise and sunset local standard time shall be observed. In no event shall a station licensed for daytime only operate on regular schedule prior to local sunrise or shall a station licensed for greater daytime power than nighttime power or for a different radiation pattern for daytime operation than for nighttime operation operate with the daytime power or radiation pattern prior to local sunrise.\*

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 40-1540; Filed, April 17, 1940;  
11:39 a. m.]

## Notices

### DEPARTMENT OF THE INTERIOR.

#### Bituminous Coal Division.

Docket Nos. 465-F.D., 468-F.D., 964-F.D., 469-F.D., 470-F.D., 897-F.D., 1161-F.D., 1167-F.D., 1168-F.D.]

**IN THE MATTER OF THE APPLICATIONS OF WYATT COAL COMPANY, WINIFREDE COLLIERIES, WINIFREDE COLLIERIES, CARBON FUEL COMPANY, TRUAUX-TRAER COAL COMPANY, CEDAR GROVE COLLIERIES, INC. AND THE RICHVEIN COAL COMPANY, KELLEY'S CREEK COLLIERY COMPANY, RIVERTON COAL COMPANY, KANAWHA & NEW RIVER BARGE AND RAIL COAL MINES, INC. FOR EXEMPTION**

#### NOTICE OF AND ORDER FOR HEARING

Applications, pursuant to the provisions of the second paragraph of section 4-A of the Bituminous Coal Act of 1937, having been filed with the Bituminous Coal Division by the above-named parties:

*It is ordered*, That hearings on such matters be held on the 20th day of May, 1940, at 10 o'clock in the forenoon of that day at a hearing room of the Bituminous Coal Division, Room 330, Federal Building, Charleston, West Virginia.

*It is further ordered*, That William A. Cuff or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearings in such matters. The officer so designated to preside at such hearings is hereby authorized to conduct said hearings separately or to consolidate them, to administer oaths and affirmations, to examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearings from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of appropriate orders in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearings is hereby given to such applicants and to any other person who may have an interest in such proceedings. Any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Bituminous Coal Division on or before May 17, 1940.

The matters concerned herewith are in regard to applications filed by Wyatt Coal Company, Winifrede Collieries, Carbon Fuel Company, Truax-Traer Coal Company, Cedar Grove Collieries, Inc. and The Richvein Coal Company, Kelley's Creek Colliery Company, Riverton Coal Company, and Kanawha & New River Barge and Rail Coal Mines, Inc., for exemption pursuant to the second paragraph of section 4-A of the Bitumi-

nous Coal Act of 1937 and to an Order of the National Bituminous Coal Commission entered in Docket No. 64-F.D., which Order has been adopted and ratified as an Order of the Bituminous Coal Division.

The mines of the Applicant, Wyatt Coal Company, are located on Cabin Creek, Kanawha County, West Virginia, and exemption is claimed for coal sold to and consumed by the following companies at their respective locations: Westvaco Chlorine Products Company, Inc., South Charleston, Kanawha County, West Virginia; Carbide and Carbon Chemicals Corporation, South Charleston, Kanawha County, West Virginia; Fuel Process Company, South Charleston, Kanawha County, West Virginia.

The mines of the Applicant, Winifrede Collieries, are located in Kanawha County, West Virginia, and exemptions are claimed in two Applications for coal sold to and consumed by the following companies at their respective locations: Westvaco Chlorine Products Company, Inc., South Charleston, Kanawha County, West Virginia; E. I. duPont de Nemours & Company, Belle, Kanawha County, West Virginia.

The mines of the Applicant, Carbon Fuel Company, are located on Cabin Creek, Kanawha County, West Virginia, and exemption is claimed for coal sold to and consumed by the following companies at their respective locations: E. I. duPont de Nemours & Company, Belle, Kanawha County, West Virginia; American Fork & Hoe Company, Kelly Axe and Tool Works, West Charleston, Kanawha County, West Virginia; Barium Reduction Corporation, South Charleston, Kanawha County, West Virginia; Carbide and Carbon Chemicals Corporation, South Charleston, Kanawha County, West Virginia.

The mines of the Applicant, Truax-Traer Coal Company, are located on Cabin Creek, Kanawha County, West Virginia, and exemption is claimed for coal sold or delivered to and consumed by the following companies at their respective locations: Barium Reduction Corporation, South Charleston, Kanawha County, West Virginia; Carbide and Carbon Chemicals Corporation, South Charleston, Kanawha County, West Virginia; E. I. duPont de Nemours and Company, Belle, Kanawha County, West Virginia.

The mines of the Applicant, Cedar Grove Collieries, Inc., are located at Cedar Grove, Kanawha County, West Virginia, and exemption is claimed on coal sold to and consumed by the following companies at their respective locations: E. I. duPont de Nemours and Company, Belle, Kanawha County, West Virginia; Carbide and Carbon Chemicals Corporation, South Charleston, Kanawha County, West Virginia; Belle Alkali Company, Belle, Kanawha County, West Virginia; Westvaco Chlorine Products Company, Inc., South Charleston, Kanawha County, West Virginia. The Richvein Coal Com-

pany claims that it is the duly appointed and qualified sales agent of Cedar Grove Collieries, Inc.

The mines of the Applicant, Kelley's Creek Colliery Company, are located at Ward, Kanawha County, West Virginia, and exemption is claimed on coal sold to and consumed by the following company at its respective location: E. I. duPont de Nemours and Company, Belle, Kanawha County, West Virginia.

The mines of the Applicant, Riverton Coal Company, are located at Crown Hill, Kanawha County, West Virginia, and exemption is claimed on coal sold to and consumed by the following company at its respective location: E. I. duPont de Nemours and Company, Belle, Kanawha County, West Virginia.

The mine of the Applicant, Kanawha and New River Barge and Rail Coal Mines, Inc., is located at Crown Hill, Kanawha County, West Virginia, and exemption is claimed on coal sold to and consumed by the following company at its respective location: E. I. duPont de Nemours and Company, Belle, Kanawha County, West Virginia.

All Applicants claim that their sales of coal to the above-named companies are intrastate transactions which do not in any manner directly affect interstate commerce in bituminous coal.

[SEAL] H. A. GRAY,  
Director.

APRIL 16, 1940.

[F. R. Doc. 40-1542; Filed, April 17, 1940;  
11:50 a. m.]

#### DEPARTMENT OF AGRICULTURE.

Food and Drug Administration.

[Docket No. F.D.C.-15]

IN THE MATTER OF THE PUBLIC HEARING FOR THE PURPOSE OF RECEIVING EVIDENCE UPON THE BASIS OF WHICH REGULATIONS MAY BE PROMULGATED, PRESCRIBING THE LABEL STATEMENTS, CONCERNING THE VITAMIN, MINERAL AND OTHER DIETARY PROPERTIES OF FOODS THAT PURPORT TO BE OR ARE REPRESENTED FOR SPECIAL DIETARY USES BY HUMANS THAT ARE NECESSARY IN ORDER FULLY TO INFORM PURCHASERS AS TO THE VALUE OF SUCH FOODS FOR SUCH SPECIAL DIETARY USES

#### REVOCATION OF NOTICE

Whereas, the Secretary, on March 26, 1940, gave notice of a public hearing to be held on April 29, 1940, in the Departmental Auditorium, Constitution Avenue, Washington, D. C., for the purpose of receiving evidence upon the basis of which regulations might be promulgated prescribing the label statements, concerning the vitamin, mineral, and other dietary properties of foods that purport

to be or are represented for special dietary uses by humans, that are necessary in order fully to inform purchasers as to the value of such foods for such special dietary uses, which notice, with a proposal subjoined thereto, was published in the FEDERAL REGISTER on Thursday, March 28, 1940 (5 F.R. 1199); and

Whereas, the Secretary has now determined that said hearing should not be held as stated in said notice of hearing:

Now, therefore, the said notice of hearing is hereby revoked.

[SEAL] H. A. WALLACE,  
Secretary of Agriculture.

APRIL 17, 1940.

[F. R. Doc. 40-1543; Filed, April 17, 1940;  
11:53 a. m.]

[Docket No. F.D.C.-17]

IN THE MATTER OF THE PUBLIC HEARING FOR THE PURPOSE OF RECEIVING EVIDENCE ON THE BASIS OF WHICH REGULATIONS MAY BE PROMULGATED FIXING AND ESTABLISHING A DEFINITION AND STANDARD OF IDENTITY FOR EACH OF THE FOLLOWING FOODS, NAMELY, FLOUR, DURUM FLOUR, WHOLE WHEAT FLOUR, SELF-RISING FLOUR, PHOSPHATED FLOUR, FARINA, AND SEMOLINA, AND DESIGNATING THE OPTIONAL INGREDIENTS OF EACH OF SUCH FOODS WHICH SHALL BE NAMED ON THE LABEL

#### REVOCATION OF NOTICE OF HEARING

Whereas, the Secretary of Agriculture, on April 11, 1940, gave notice of a public hearing to be held beginning at 10 a. m., May 13, 1940, in Room 2860 of the South Building, Department of Agriculture, Independence Avenue between 12th and 14th Streets SW., Washington, D. C., for the purpose of receiving evidence upon the basis of which regulations might be promulgated fixing and establishing a definition and standard of identity for each of the following foods, namely, flour, durum flour, whole wheat flour, self-rising flour, phosphated flour, farina, and semolina, which notice, with proposals subjoined thereto, was published in the FEDERAL REGISTER on April 12, 1940 (5 F.R. 1403); and

Whereas the Secretary has now determined that the said hearing should not be held as stated in the said notice of hearing:

Now, therefore, the said notice of hearing is hereby revoked.

[SEAL] H. A. WALLACE,  
Secretary of Agriculture.

APRIL 17, 1940.

[F. R. Doc. 40-1544; Filed, April 17, 1940;  
11:53 a. m.]

#### CIVIL AERONAUTICS AUTHORITY.

Air Safety Board.

[Docket No. 13]

IN THE MATTER OF INVESTIGATION OF ACCIDENT INVOLVING AIRCRAFT NC 18482, WHICH OCCURRED NEAR MIDDLETOWN, CONNECTICUT, ON APRIL 16, 1940

#### NOTICE OF HEARING

An accident involving aircraft of United States registry NC 18482 having occurred near Middletown, Connecticut, on Tuesday, April 16, 1940, it is hereby ordered by the Air Safety Board, pursuant to the provisions of sections 702 (a) (2) and 702 (c) of the Civil Aeronautics Act of 1938, that a public hearing be held in connection with the investigation of said accident before Examiner Robert W. Chrissp at such time and place as shall be hereafter designated by the said Examiner.

By the Board.

[SEAL] R. D. HOYT,  
Executive Officer.

APRIL 16, 1940.

[F. R. Doc. 40-1539; Filed, April 17, 1940;  
10:36 a. m.]

#### SECURITIES AND EXCHANGE COMMISSION.

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 15th day of April, A. D. 1940.

[File No. 59-8]

IN THE MATTER OF THE COMMONWEALTH & SOUTHERN CORPORATION AND ITS SUBSIDIARY COMPANIES, RESPONDENTS

#### ORDER EXTENDING TIME FOR ANSWER

The Commission having issued a notice of and order for hearing in the above matter pursuant to Section 11 (b) (1) of the Public Utility Holding Company Act of 1935; said notice of and order for hearing having required that the respondents herein file with the Secretary of the Commission their joint or several answers thereto on or before the sixteenth day of April 1940; and The Commonwealth & Southern Corporation and its subsidiary companies, respondents herein, having requested an extension of time to file such answers for a period of two weeks from April 16, 1940; and

It appearing to the Commission from the facts stated that such request is not unreasonable and may appropriately be granted;

It is ordered, That the time for filing answers in the above matter be and the

## FEDERAL REGISTER, Thursday, April 18, 1940

same is hereby extended until the thirtieth day of April 1940.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 40-1545; Filed, April 17, 1940;  
11:53 a. m.]

*United States of America—Before the  
Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 17th day of April, A. D. 1940.

[File No. 32-1941]

IN THE MATTER OF KEYSTONE PUBLIC  
SERVICE COMPANY

NOTICE OF AND ORDER FOR HEARING

Keystone Public Service Company, a subsidiary of a registered holding company, having filed an application seeking exemption from the provisions of Section 6 (a) of the Public Utility Holding Company Act of 1935 for the issue and sale of its 5% Promissory Note due serially to 1945 in the face amount of \$300,000; it being represented that the note will be sold to Oil City Trust Company, Oil City, Pennsylvania, and that Titusville Trust Company, Titusville, Pennsylvania, will thereafter acquire a 50 per centum participation therein; the application stating that the net proceeds, amounting to \$298,890, are to be used to the extent of \$70,500 to retire presently outstanding bank loans, the remainder to be expended for additions and betterments to the physical property of the applicant; it being represented that the appropriate State commission, Pennsylvania Public Utility Commission, has approved the issuance of said securities; applicant hav-

ing designated section 6 (b) of said Act as applicable to the above transaction;

*It is ordered*, That a hearing on such matter under the applicable provisions of said Act and the rules of the Commission thereunder be held on May 8, 1940 at 10 o'clock in the forenoon of that day at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW, Washington, D. C. On such day the hearing room clerk in Room 1102 will advise as to the room where such hearing will be held.

*It is further ordered*, That William W. Swift or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to said proceeding shall file a notice to that effect with the Commission on or before May 2, 1940.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 40-1547; Filed, April 17, 1940;  
11:53 a. m.]

*United States of America—Before the  
Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 17th day of April, A. D. 1940.

[File No. 70-43]

IN THE MATTER OF NEW ENGLAND GAS AND  
ELECTRIC ASSOCIATION; PROVINCETOWN  
LIGHT AND POWER COMPANY

NOTICE OF FILING OF DECLARATION

Notice is hereby given that New England Gas and Electric Association, a registered holding company, and Provincetown Light and Power Company, its wholly-owned subsidiary, have filed a declaration with this Commission pursuant to Rule U-12B-1 promulgated under the Public Utility Holding Company Act of 1935, relating to an advance on open account by New England Gas and Electric Association to Provincetown Light and Power Company in the sum of \$22,500, bearing interest at the rate of 6% per annum. Said declaration states that the proceeds are to be used by Provincetown Light and Power Company for essential construction projects.

Pursuant to the provisions of Rule U-12B-1 said declaration will become effective on the 1st day of May 1940, unless prior to that date the Commission shall issue an order for hearing on such declaration, or unless such effective date is otherwise delayed in accordance with the provisions of said rule.

Notice is given to States, State Commissions, State Securities Commissions, Municipalities, and other political subdivisions of a state, to consumers and security holders, and to representatives of consumers or of security holders and to all other persons, of the filing of the aforesaid declaration, and any request that a hearing be held with respect to said declaration shall be filed with the Commission not later than April 24, 1940. Any such request for hearing shall include a statement of reasons why such hearing is requested.

Pursuant to direction of the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 40-1546; Filed, April 17, 1940;  
11:53 a. m.]